

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison
Company (U 338 E) to Establish Marginal Costs,
Allocate Revenues, and Design Rates.

Application 05-05-023
(Filed May 20, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING MOTION OF THE
VOTE SOLAR INITIATIVE AND CAROLYN SCHMIDT FOR PROTECTIVE
ORDER REGARDING PERSONAL FINANCIAL INFORMATION**

This ruling grants The Vote Solar Initiative (Vote Solar) and Carolyn Schmidt Motion for a Protective Order regarding personal financial information of Carolyn Schmidt (Motion), filed on August 17, 2005. Attached to this ruling is a Nondisclosure Agreement providing parties, in this proceeding, a means to access the protected person financial information, if necessary.

Discussion

On August 17, 2005, Vote Solar submitted a Notice of Intent to Claim Compensation (NOI). The Motion was filed separately. No responses to the Motion have been received. On September 15, 2005, as the assigned Administrative Law Judge (ALJ), I reviewed the NOI and ruled that Vote Solar met the eligibility requirements of Pub. Util. Code § 1804(a), including the requirement that it establish significant financial hardship for the customer it represents, Carolyn Schmidt. Attached to the Motion is personal financial information (Confidential Information) submitted under seal that establishes the significant financial hardship. The Motion argues that making Carolyn Schmidt's financial information available for public inspection would

unnecessarily intrude on her privacy, although she recognizes that parties to the proceeding may wish to review the information. In order to accommodate any review by parties she consents to the use of an appropriate nondisclosure agreement.

Vote Solar and Carolyn Schmidt request the protective order under General Order 66-C, Section 2-2, which excludes from public inspection “record or information of a confidential nature furnished to, or obtained by the Commission.” Commission Decision 98-01-009 regarding the Commission’s Intervenor Compensation Program also provides for the protection, from public disclosure, of personal financial information, on a case-by-case basis, for individual intervenors.¹

After reviewing the specific information Vote Solar and Carolyn Schmidt seek to protect, I conclude the Confidential Information is worthy of protection. Vote Solar and Carolyn Schmidt have demonstrated that disclosure of this information should be kept confidential as it is unnecessary to make this personal financial information public, or to intrude upon Carolyn Schmidt’s privacy. Accordingly, the Motion should be granted. Carolyn Schmidt’s financial information filed under seal shall remain under seal, and protected from public disclosure. This Confidential Information shall not be made accessible or disclosed to anyone other than Commission staff, the assigned Commissioner, the assigned ALJ, or the ALJ then designated as the Law and Motion Judge. Any parties to this proceeding that need to review the

¹ See, pp. 37-39, and Appendix B.

Confidential Information shall sign a Nondisclosure Agreement² prior to review of the Confidential Information and submit the Nondisclosure Agreement to Vote Solar and Carolyn Schmidt.

IT IS RULED that:

1. The August 17, 2005, Motion of Vote Solar and Carolyn Schmidt for a protective order is granted as described above.
2. The Confidential Information shall remain under seal.
3. Parties in this proceeding that need to review the Confidential Information shall provide a Nondisclosure Agreement to Vote Solar and Carolyn Schmidt.

Dated September 15, 2005, at San Francisco, California.

/s/ Bruce DeBerry
Bruce DeBerry
Administrative Law Judge

² Attached to this ruling.

ATTACHMENT

**Nondisclosure Agreement Regarding
Personal Financial Information of Carolyn Schmidt
in Application 05-05-023**

I am a party or representative of a party in Application 05-05-023.

I understand that the personal financial information filed by Carolyn Schmidt in this proceeding is confidential, and I agree that I will use the information only for the purpose of responding to that person's Notice of Intent to Claim Compensation or Request for Compensation.

I will not disclose, copy or disseminate the confidential information in any manner, and I will safeguard the confidential information from inadvertent or incidental disclosure. I understand that confidentiality protections continue after this proceeding is completed.

Dated _____ at _____

(Signature) _____

(Name)

(Address)

(Telephone)

(End of Attachment)

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion of the Vote Solar Initiative and Carolyn Schmidt for Protective Order Regarding Personal Financial Information on all parties of record in this proceeding or their attorneys of record.

Dated September 15, 2005, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.